



U. S. S E N A T E R E P U B L I C A N P O L I C Y C O M M I T T E E

Legislative Notice

No. 7

March 24, 2009

S. 277—Serve America Act

Calendar No. 34

S. 277 was reported by the HELP Committee, with an amendment in the nature of a substitute, by a voice vote on March 18, 2009. No written report.

Noteworthy

- This Legislative Notice summarizes the amendment in the nature of a substitute that has been offered on the floor.
- It provides a five year reauthorization of the National and Community Service Act and the Domestic Volunteer Service Act.
- It requires the Corporation for National Service (hereafter the Corporation) to develop a plan to expand participation in national service from 88,000 in 2010 to 250,000 by 2017.
- It allows the Corporation for National Service to enter into interagency agreements with other federal agencies to support national service, thereby increasing the size of the federal government. It does not include a provision from previous appropriations bills prohibiting funding from being made available to federal agencies.
- It contains restrictions on the types of activities for which national service positions can be used, preventing participants from engaging in activities such as voter registration drives, political or legislative advocacy, or providing abortion services as part of their volunteer activities under the program. Program participants are not restricted in what activities they can pursue on their own time, outside the scope of their volunteer service duties. It prohibits organizations found to be in violation of a federal criminal statute from receiving assistance under the national service law. It also provides that an AmeriCorps position may not displace other employees or volunteers.
- It generally requires organizations receiving funds to conduct a sex offender registry check and a state or federal criminal history check. An FBI fingerprint check is allowed, but not required. The bill also allows all checks (sex offender registry and criminal background checks) to be waived “for good cause” by the Corporation. “Good cause” is not defined. Where checks have been run, the bill prohibits sex offenders and individuals convicted of first or second degree murder from participating. Individuals with other types of criminal histories, including other violent crimes, are permitted to participate, as long as they do not lie in the criminal history check.

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- It limits the amount of funds the Corporation can award to operate a program to \$18,000 per full-time equivalent position, with an exception that allows for \$19,500 if there is a “compelling need.”
 - It aligns the AmeriCorps education awards to the value of Pell Grants, which will result in an increase from \$4,725 to \$5,350 for fiscal year 2010.
 - It establishes a new set of corps within AmeriCorps that focuses on supporting education, health care, clean energy, and veterans.
 - It allows individuals over age 55 to transfer educational awards to a child or grandchild who may not have completed any volunteer service.
 - It creates a National Day of Service and Remembrance on September 11 to commemorate the anniversary of the 2001 terrorist attacks.
 - It creates a Civic Health Index which will evaluate and report on factors such as volunteering and community service, voting, charitable giving, participation with civic and faith-based organizations, interest in public service careers, knowledge of U.S. history and government, and social enterprise and innovation.
 - The Congressional Budget Office estimates the bill as approved by the Health, Education, Labor, and Pensions (HELP) Committee would cost approximately \$5.7 billion over five years.
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Background

S. 277 reauthorizes the major federally funded community service and volunteer programs under the National and Community Service Act of 1990 (NCSA) and the Domestic Volunteer Service Act of 1973 (DVSA). It also creates several new programs to provide federal support for national service.

The National and Community Service Act is designed to address unmet human, educational, environmental, and public safety needs and to renew an ethic of civic responsibility by encouraging citizens to participate in national service programs.

The NCSA authorizes four community service programs: School-Based and Community-Based Service-Learning Programs, also known as Learn and Serve America; National Service Trust Programs, also known as AmeriCorps State and National Grants; the National Civilian Community Corps (NCCC); and the Points of Light Foundation.

The NCSA also authorizes the National Service Trust, which funds educational awards for community service participants.

The Domestic Volunteer Service Act, which authorizes the Volunteers in Service to America (VISTA) program and the National Senior Volunteer Corps, focuses on expanding voluntary service in communities while helping the vulnerable, the disadvantaged, the elderly, and the poor.

The National Senior Volunteer Corps includes three main programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired and Senior Volunteer Program (RSVP).

Authorization of both statutes expired at the end of fiscal year 1996, but they continued to be funded through the appropriations process.¹

Legislative History

House of Representatives: In the 110th Congress, a bill reauthorizing national service (H.R. 2857) came to the House floor on March 6, 2008. It was pulled due to a Republican motion to recommit which would have required background checks for participants in the national service programs and prohibited sex offenders and individuals convicted of murder from participating in the program. The bill was brought up under suspension on March 12, 2008 as H.R. 5563 but was not approved.

In the 111th Congress, the House passed a bill (H.R. 1388) that was similar, but not identical, to the Senate's national service bill. H.R. 1388 was reported out of the Committee on Education and Labor on March 16, 2009 and was passed by the House on March 18, 2009 by a vote of 321-105.² It included a Republican motion to recommit with instructions to report back with amendments. The amendment codified and expanded a current regulation about the types of activities that are prohibited (such as attempting to influence legislation or promoting or deterring union organizing) and the organizations that are not allowed to participate in the national service programs, including for-profit organizations, labor unions, organizations that promote abortions, and organizations that have been indicted for voter fraud.³

Senate: S. 277 was introduced by Senator Kennedy on January 16, 2009, with six original Republican co-sponsors. It is similar to a bill (S. 3487) introduced by Senator Kennedy in the 110th Congress.

On March 18, the Senate HELP Committee marked up the bill and approved a substitute amendment by voice vote.

On March 23 the Senate voted to invoke cloture on the motion to proceed to H.R. 1388 by a vote of 74-14. This afternoon, the Senate began consideration of the bill. Senator Mikulski offered a substitute amendment, which is the subject of this Notice.

¹ Congressional Research Service, Reauthorization in the 111th Congress of the National and Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973, March 20, 2009, R40432, <http://apps.crs.gov/products/r/html/R40432.html>

² Legislative Information Service, <http://www.congress.gov/cgi-lis/bdquery/D?d111,d110:1:./temp/~bd8H1k:@@R:db=y:/billsumm/billsumm.php>

³ Legislative Information Service, <http://www.congress.gov/cgi-lis/query/R?r111:FLD001:H03607>

Bill Provisions

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Title I—Amendments to the National and Community Service Act of 1990

Title I includes the following provisions:

- It amends the law to specify that service-learning programs are a strategy to support high-quality service-learning projects that engage middle and high school students in meeting community needs, and to support efforts to build institutional capacity to expand service opportunities.
- It makes allotments, in consultation with the Secretary of Education, to states, tribes, or territories to pay for a range of activities.
- It creates a Campuses of Service program; under the program, 25 institutions of higher education are designated as Campuses of Service. Such a designation makes a campus eligible for a grant to provide service-learning programs, or to share high-quality service-learning programs to other institutions.
- It creates a youth engagement zone program in low-income, high-need districts, in which eligible entities propose coordinated school- or community-based service-learning projects for secondary school students and out-of-school youth.
- It funds a 10-year longitudinal study on the impact of service-learning programs on student academic achievement, student engagement, graduation rates, and likelihood of future service.
- The Corporation for National Service (hereafter the Corporation) is required to develop a plan to increase the number of service participants annually from 88,000 in fiscal year 2010 to 250,000 by fiscal year 2017.
- It creates five new service corps within AmeriCorps focusing on: education, healthy futures, clean energy, veterans, and an Opportunity Corps that identifies and meets the unmet needs relating to economic opportunity of economically disadvantaged individuals.
- It increases the amount that States Commissions receive annually to operate to a range of \$250,000 to \$1,000,000.
- It authorizes the Education Award Only program, which has received an appropriation within AmeriCorps since fiscal year 2004. The program allows participants to receive an education award without any living allowance and a small amount of funding for the sponsor organization.

⁴ A more detailed summary is available upon request.

- It contains restrictions on the types of activities for which national service positions can be used, preventing participants from engaging in activities such as voter registration drives, political or legislative advocacy, or providing abortion services as part of their volunteer activities under the program. Program participants are not restricted in what activities they can pursue on their own time, outside the scope of their volunteer service duties. It prohibits organizations found to be in violation of a federal criminal statute from receiving assistance under the national service law, and it provides that an AmeriCorps position may not displace other employees or volunteers.
- The Corporation is allowed to emphasize the selection of disadvantaged youth who have previously completed national service in choosing participants.
- It ensures that national service participants are not paid twice for service that is included as part of the federal work study program. The section also provides that the Corporation will include in participants' living allowances an amount sufficient to cover 85 percent of any taxes on their living allowance.
- It creates a Summer of Service Award in which students entering grades 6 through 12 who complete 100 hours of service are given an educational award of up to \$500 (which could be used to pay for educational expenses or repay a student loan).
- It creates Silver Scholar Awards in which participants over the age of 55 receive a \$1,000 education award in exchange for at least 350 hours of service.
- Individuals over age 55 are allowed to transfer educational awards to a child or grandchild who may not have completed any volunteer service.
- It focuses the National Civilian Community Corps (NCCC) on areas of national and community need, including those needs related to natural and other disasters, infrastructure improvement, environmental stewardship and conservation, energy conservation, and urban and rural development.
- It creates a Civic Health Index, which will evaluate and report on factors such as volunteering and community service, voting, charitable giving, participation with civic and faith-based organizations, interest in public service careers, knowledge of U.S. history and government, and social enterprise and innovation.
- It generally requires organizations receiving funds to conduct a sex offender registry check and a state or federal criminal history check. An FBI fingerprint check is allowed, but not required. The bill also allows all checks (sex offender registry and criminal background checks) to be waived "for good cause" by the Corporation. "Good cause" is not defined. Where checks have been run, the bill prohibits sex offenders and individuals convicted of first or second degree murder from participating. Individuals with other types of criminal histories, including other violent crimes are permitted to participate, as long as they do not lie in the criminal history check.

- It creates a National Day of Service and Remembrance, to be observed on September 11 to commemorate the anniversary of the 2001 terrorist attacks.
- It authorizes a nationwide “Call to Service Campaign” to encourage people across the United States to volunteer or participate in public service.
- It creates ServeAmerica Fellowships to carry out service projects in areas of national need (education, health care, clean energy, economic opportunity, and disaster response); one year of full- or part-time service from fellows is required.
- It creates Encore Fellowships to support individuals age 55 or older as they carry out one-year projects in areas of national need, and to provide training and support to help them transition to full- or part-time public service.
- It creates a National Service Reserve Corps to prepare and deploy individuals who have completed a term of national service, as well as veterans, to respond to natural disasters and other emergencies in a timely manner.
- It establishes a network of Social Investment Funds to support and replicate effective nonprofit initiatives.
- It creates a Volunteer Generation Fund to provide competitive grants to State Commissions and nonprofit organizations to increase the number of volunteers available to address areas of statewide or national need.
- The authorization for the Points of Light Foundation is repealed (no funds were appropriated in fiscal year 2009).

Title II—Amendments to Domestic Volunteer Service Act of 1973

Title II includes the following provisions:

- It adds new emphasis on assisting with the reentry and reintegration of formerly incarcerated youth, developing financial literacy, supporting low-income communities with before- and afterschool programs, expanding access to health services, and assisting veterans.
- It sets a stipend for Volunteers in Service to America members of \$125-150 per month for new members and a maximum of \$250 per month for those who have served for one year and have been designated as volunteer leaders.
- A series of programs are repealed, including the VISTA Literacy Corps, University Year for VISTA, and Literacy Challenge Grants.

- It updates the purposes of the Retired and Senior Volunteer Program (RSVP), which allows individuals 55 years of age or older to share their knowledge and skills, the Foster Grandparent Program (which allows low-income individuals 55 years of age or older to have a positive impact on the lives of children in need), and the Senior Companion Program (which allows individuals 55 years of age or older to provide support services and companionship to other older Americans).
- It expands participation in the National Senior Service Corps to those over age 55 and adds a focus on programs that engage older adults and youth to complete programs in conservation and environmental education.

Title III—Technical Amendments

Title III makes technical changes to the table of contents for the National and Community Service Act and the Domestic Volunteer Service Act.

Title IV—Amendments to Other Laws

Title IV makes conforming changes to the Inspector General Act of 1978.

Title V—Volunteers for Prosperity Program

Title V authorizes \$10 million per year through 2014 for the Volunteers for Prosperity Program at the U.S. Agency for International Development (USAID), which encourages international voluntary service by highly skilled American professionals by providing matching grants to offset the travel and living expenses of volunteering abroad.

Title VI—Effective Date

Title VI provides that provisions of the bill will take effect on the date of enactment.

It also provides that changes in terms of service for participants apply only to those who enroll in or begin service assignments more than 90 days after enactment of this law.

Cost

The Congressional Budget Office (CBO) estimates that the bill as approved by the Committee would cost approximately \$5.7 billion over five years.⁵

For fiscal year 2010, the measure would authorize:

- \$97 million for Learn and Serve America, including \$10 million for summer of service grants, \$20 million for youth engagement zones, and \$7 million for campuses of service;
- \$100 million for the anti-poverty VISTA program;
- \$115 million for the Foster Grandparent program;
- \$70 million for the Retired and Senior Volunteer Program;
- \$55 million for the Senior Companion program; and
- \$10 million per year for the Volunteers for Prosperity Program for fiscal years 2010-2014.

The bill would also authorize "such sums as may be necessary" for AmeriCorps, National Service Trust, Investment for Quality and Innovation, and National Civilian Community Corps programs in fiscal years 2010-2014.

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⁵ Congressional Budget Office, Letter to Senator Edward Kennedy, March 23, 2009. Available at: <http://www.cbo.gov/ftpdocs/100xx/doc10033/s277.pdf>